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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,763	06/27/2003	Morito Morishima	P 0304562/H7649US	7410

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EXAMINER	
PHAM, VAN T	

ART UNIT	PAPER NUMBER
2627	

MAIL DATE	DELIVERY MODE
05/15/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/607,763	MORISHIMA, MORITO	
	Examiner	Art Unit	
	VAN T. PHAM	2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 February 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3 and 5-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *7* is/are allowed.

6)☒ Claim(s) *1,3,5,6,8 and 9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Priority

1. A certified English translation of JP 2002-188167 filed on 02/26/2007 is acknowledged.

Response to Arguments

2. Applicant's arguments filed on 02/26/2007 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 3, 5-6, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimizu (JP 02-260148) in view of Ueno Ichiro (JP 03-219428).

Regarding claim 1, Shimizu and Ueno, discloses an optical disc recording apparatus, comprising:

a position controller that controls an irradiating position of the laser light (inherently, and also); a laser power controller (see Ueno Fig. 1 and abstract), and

a light irradiator that irradiates a laser light onto an optical disc having a discoloration layer (see Shimizu Fig. 1, layer 2);

a temperature detector that detects a temperature of the optical disc (see Shimizu abstract and Ueno abstract)

a laser power corrector that corrects laser power for discoloration in the discoloration layer by the laser light in accordance with the detected temperature in order to cancel a change in a temperature of the optical disc (see Ueno abstract).

Ueno Ichiro, see abstract discloses an optical disc recording apparatus, comprising: a light irradiator that irradiates a laser light onto an optical disc; a laser power controller (inherently) that controls a laser power of the laser light in accordance with input image data; a temperature detector that detects a temperature of the optical disc; and a laser power corrector that corrects laser power by the laser light in accordance with the detected temperature in order to cancel a change in a temperature of the optical disc.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide a temperature detector that detects a temperature of the optical disc and a laser power corrector that corrects laser power in Shimizu as suggested by Ueno (note: by doing so the laser power corrector that corrects laser power for discoloration in the discoloration layer by the laser light in accordance with the detected temperature), the motivation being in order to recording of specific bit size at all times (see Ueno abstract).

Regarding claim 3, see rejection above of claim 1 and see for a light receiver that receives a reflected light of the laser light reflected by the optical disc and outputs a light receiving signal representing a light receiving level (see Ueno Fig. 1); and a laser power corrector that corrects laser power to maintain a changing rate of the light receiving level to be a changing rate with in a range determined in advance when the laser light at a laser power for discolorating the discoloration layer in accordance with the input image data (see Shimizu Fig. 1 and Ueno abstract).

Regarding claim 5, the combination of Shimizu and Ueno, discloses the optical disc recording apparatus according to claim 1, wherein the temperature detected by the temperature detector is compared to a previously input temperature (see Ueno abstract, where the temperature of the optical disk varies and Shimizu discloses the thermosensitive layer 2 discolors to detect the temp. change when the temp of the substrate 1a rises to the prescribed or above. Therefore, the temperature detected by the temperature detector is compared to a previously input temperature is inherently for both Ueno and Shimizu).

Regarding claim 6, the combination of Shimizu and Ueno, discloses the optical disc recording apparatus according to claim 1, wherein the laser power controller terminates laser power correction when the obtained temperature is equal to a stored temperature (see Ueno, inherently).

Regarding claim 8, the combination of Shimizu and Ueno, discloses the optical disc recording apparatus according to claim 1, wherein a linear velocity of the optical disc is controlled based on a position of a diameter direction of a laser light radiating position (inherently from Shimizu and Ueno).

Regarding claim 9, the combination of Shimizu and Ueno, discloses the optical disc recording apparatus according to claim 1, wherein a linear velocity of the optical disc is controlled based on the changing rate of a light receiving level (inherently).

Allowable Subject Matter

5. Claim 7 is allowed.

Cited References

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited references relate to reproducing and erasing with optimum light intensity even when the temperature of a medium is changed by providing a heat sensitive material in one part, detecting the medium temperature for the discoloration of this material and controlling the intensity of an optical beam projected to the recording medium, in correspondence to a detected result.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Thursday from 9:00am –6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP

THANG V. TRAN
PRIMARY EXAMINER